

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

IN RE:

JAMES R. PETERSON,  
BARBARA A. PETERSON,  
Debtors.

CASE NO. 12-51344-SCS  
CHAPTER 13

UNITED STATES OF AMERICA'S OBJECTION TO CONFIRMATION

COMES NOW the IRS and hereby objects to debtors' modified Chapter 13 plan dated February 6, 2013 and filed February 7, 2013 as follows:

1. The IRS filed a proof of claim dated December 20, 2012 listing \$48,783.34 in secured tax claims, \$19,747.18 in priority tax claims and \$107,708.64 in unsecured general claims.
2. There is an inconsistency in the plan as the IRS's secured claim is listed at \$48,783.34 in Section 3A of the plan, but is listed at \$40,401.34 in Section 3D of the plan. Thus, it appears that debtors are seeking only to pay \$40,401.34 toward the IRS's secured claim. This being so, the plan does not adequately provide for the IRS's secured claim as required by Section 1325(a)(5). The IRS's secured claims total \$48,783.34, and the plan only provides that \$40,401.34 shall be paid toward such claim.
3. The plan must provide that the secured claim in the amount of \$48,783.34, plus interest at the rate of 3.00%, *see* 11 U.S.C. §511, shall be paid through the plan. This should be reported in Section 3D of the plan listing the Creditor as "IRS," Collateral as "All Property," *see* 26 U.S.C. § 6321, Approximate Balance of Debt as \$48,783.34, and Interest Rate as 3.00%.

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Counsel for the United States

The Monthly Payment and Estimated Term should be calculated by amortizing the secured claim amount over the remaining term of the plan.

WHEREFORE, the United States objects to confirmation.

Respectfully submitted,

Neil H. MacBride  
United States Attorney  
By: /s/ Greg D. Stefan  
Greg D. Stefan  
Assistant United States Attorney

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NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED CHAPTER 13 PLAN  
AND NOTICE OF HEARING

The United States has filed an objection to your modified Chapter 13 plan in this bankruptcy case.

Confirmation of your modified Chapter 13 plan may be denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny confirmation of your modified plan, then you and your attorney must:

ATTEND THE HEARING TO BE HELD:

at: United States Bankruptcy Court  
2400 West Avenue  
Newport News, VA 23607  
on: April 12, 2013 at 9:30 a.m.

to consider and act upon Objection to Confirmation filed by the United States of America.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: April 4, 2013.

Signature: /s/Greg D. Stefan  
Greg D. Stefan  
Assistant U.S. Attorney

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Counsel for the United States.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Objection, Notice of Objection and Notice of Hearing have this 4th day of April 2013, been placed in the United States mail, first class, postage prepaid, and properly addressed to:

James R. Peterson  
111 Plainfield Drive  
Newport News, VA 23602

Barbara A. Peterson  
111 Plainfield Drive  
Newport News, VA 23602

Matthew S. Reddington, Esquire  
Office of IRS Associate Area Counsel  
400 North 8<sup>th</sup> Street, Room 636  
Mailbox # 77  
Richmond, VA 23219

I further certify that on this 4th day of April 2013, I will electronically file the foregoing Objection, Notice of Objection and Notice of Hearing with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) via the ECF e-mail notification system to all persons registered to receive electronic notice in this case at their e-mail addresses of record, including the following persons:

Steve C. Taylor, Esquire  
bankruptcyattorney@call54legal.com

Michael P. Cotter, Chapter 13 Trustee  
courtmail@mpcch13.com

/s/Greg D. Stefan  
Greg D. Stefan  
Assistant U.S. Attorney

IRS Ref: S. Walker, IRS IU